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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/830,473	04/27/2001	James A. Laugharn Jr.	BMA-005	8156	
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Testa Hurwitz & Thibeault			EXAMINER		
High Street Tov 125 High Street			soohoo, то	SOOHOO, TONY GLEN	
Boston, MA 02110			ART UNIT	PAPER NUMBER	
			1723	10	
			DATE MAILED: 09/26/2002	\wp	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary - The MALING OATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALING OATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALING OATE OF THIS COMMUNICATION. **Eathersine of time may be shoulded unterfit of shorouse of \$3.07 K1.15(4). In 10 event, however, may a reply be timely filled before the property of the period for reply specified shore is later. In this period for reply specified shore is later. In this period for reply specified shore is later. In this period for reply specified shore is later. In this period for reply specified shore is later. In this period for reply specified shore is later. In this period for reply specified shore is later. In this period for reply specified shore is later. In this period for reply specified shore is later. In this period for reply specified shore is later. In this period for reply specified shore is later. In this period for reply specified shore is later. In this period is reply specified shore is later. In this period is reply specified shore is later. In this period is reply specified shore is later. In this period is reply specified shore is later. In this period is reply specified shore is later. In this period is reply specified shore is later. In this communication, even if the period is reply reduced and the specified is later. In this period is specified shore in this communication, even if the specified shore is later. In this communication, even if the specified shore is specified. 3) Since this application is condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exp partice Under	•		Application No.	Applicant(s)	Applicant(s)	
Tony G Soshoo Ti23	_		09/830,473	LAUGHARN JR. E	ET AL.	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edenticate of time ray be available used the provision of 3 CFR 1.136(a). In no event, however, may a reply be timely fitted Edenticate of time ray be solvide used the provision of 3 CFR 1.136(a). In no event, however, may a reply be timely fitted Edenticate of time ray be solvided used the trepts should be controlled to the communication. If the period for reply is specified store is than thinky (D) depts, a reply within the statutory minimum of thinky (D) days will be considered timely. If the period for reply is specified store, the minimum statutory period will apply and val orgins (25 (k) MONTH'S from the mailing date of this communication. Fallow to reply within the son or extended pre-uld for reply with its statutory period will apply and val orgins (25 (k) MONTH'S from the mailing date of this communication. Fallow to reply within the son or extended pre-uld for reply with the statutory period will apply and val orgins (25 (k) MONTH'S from the mailing date of this communication. Fallow to reply within the son or extended pre-uld for reply with the statutory and value of the communication. This action is FinAL. 2b Month and the practice under Ex parte Quayle. 1935 C. D. 11, 453 O.G. 213. Disposition of Claims 4) Claim (s) 1-23.25-43.45 and 46 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5b Claim (s) 1-23.25-43.45 and 46 is/are pending in the application. 4a) Claim (s) 1-23.25-43.45 and 46 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are a subject to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is/are a play accepted or by disapproved by the	Office Act	ion Summary	Examiner	Art Unit		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ■ Extractions of time may be available under it is represented of 3°CFR 1.736(a). In one event, however, may a reply be limitely filled extractions of time may be available under it is represented of 3°CFR 1.736(a). In one event, however, may a reply be limitely filled to the property of the statutory priced will apply and will expire 31X (8) MOINTS from the mailing date of the statutory minimum of thirty (00) days will be considered limitely. ■ NO period for reply specified above, then resultance will be application for some Ask-DAVCNE (50 std. Sc. § 130). ■ Page 10 period for reply specified above, then resulting state of the communication, even if timely filled, may reduce any statutory precised will apply and will experience in the mailing date of the communication, even if timely filled, may reduce any statutory and patent form adjustment. See 37 CFR 1.794(b). ■ Responsive to communication(s) filled on 23 January 2002. ■ Status ■ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. ■ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. ■ Claim(s) 1-23.25-43.45 and 46 is/are pending in the application. ■ Claim(s) 1-23.25-43.45 and 46 is/are pending in the application. ■ Claim(s) 1-23.25-43.45 and 46 is/are pending in the application. ■ Claim(s) 1-23.25-43.45 and 46 are subject to restriction and/or election requirement. Application Papers ■ The specification is objected to by the Examiner. ■ The proposed drawing or communication of the drawing of the proposed drawing are required in reply to this Office action. ■ The proposed			-	1		
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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows: Applicant is required to choose one species of the invention

II

Type of control of a sonic device

Claims 2, 4-7, 17-18, 23, 25, 26, 28-30, 32-33, 35, 39, 43, 45-46.

AND 47

Type of desired result of a sonic device

Claims 3, 31, 37, 38

III Type of manner of producing a sonic signal in a sonic device

Claims 8-11, 34,

IV Type of holder/container in which a sonic device works upon

Claims 12-16, 19-22, 40-42

V Type of material the invention works upon

Claims 36-37

Applicant is required to choose one subspecies of each sub species A-F.as follows:

Applicant is required to choose one subspecies A of the desired result:

A1 desired result of heating the sample



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A2	desired result of cooling the sample
А3	desired result of fluidizing the sample
A4	desired result of mixing the sample
A 5	desired result of stirring the sample
A 6	desired result of disrupting the sample
A 7	desired result of increasing permeability of a component of the sample
A8	desired result of enhancing a reaction within the sample
A 9	desired result of enhancing a reaction within a sample sterilizing the
sample	

Applicant is required to choose one species B of the type of control property

B1 temper true control

B2 pressure control

B3 an optical property

B4 an altered chemical

B5 an acoustic signal

B6 a mechanical occurrence

Applicant is required to choose one species C of the type of transducer or sonic energy generation

100 m

C1 at least one or an array of piezoelectric element, piezoelectric pulses

C2 an electrohydraulic element, electro-hydraulic shock waves

C3 a magnetostrictive element

C4 an electro-magnetic transducer, electro-magnetic shock waves

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C5 a chemical explosive element

C6 a laser-activated element, laser pulses

C7 spark discharges across a gap

C8 an electrohydraulic element, electrical discharges into a liquid

Applicant is required to choose one species D of the type of container

D1 a membrane pouch

D2 a thermopolymer well

D3 a polymeric pouch

most D4 a hydrophobic membrane

D5 a microtiter plate, a microtiter well

D7 a test tube

D8 a centrifuge tube, a microfuge tube,

D9 an ampoule. a capsule

D10 a bottle, a beaker, a flask

D11 a capillary tube

Applicant is required to choose one species E of the type of treatment

E1 in vitro treatment

E2 ex vivo treatment

Applicant is required to choose one species F of the type of sonic energy alteration

F1 wave form

F2 duration of application

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F3 intensity

F4 duty cycle

Applicant is required, in reply to this action, to elect a single species in each grouping A-F to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

- 2. The claims are deemed to correspond to the species listed above in the following manner:
 - Type of control of a sonic device

 Claims 2, 4-7, 17-18, 23, 25-26, 28-30, 32-33, 35, 39, 43, 45-46.
 - II Type of desired result of a sonic device

 Claims 3, 31, 37, 38
 - Type of manner of producing a sonic signal in a sonic device

 Claims 8-11, 34,
 - IV Type of holder/container in which a sonic device works upon Claims 12-16, 19-22, 40-42

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V Type of material the invention works upon

Claims 36-37

The following claim(s) are generic: claims 1 and 27.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the species have different technical features to the type of monitoring, control, energy generation process, and materials.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G Soohoo whose telephone number is (703) 308-2882. The examiner can normally be reached on 7:00 AM - 5:00 PM, Tues. - Fri.. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Tony G Sochoo 'Frimary Examiner Art Unit 1723

tgs